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Date: December 24, 2008/Jessica Sexton/
Jessica Sexton**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s):	Maarten R. Van Dantzych, <i>et al.</i>	Examiner:	Michael Roswell
Serial No:	09/882,857	Art Unit:	2173
Filing Date:	June 15, 2001	Conf. No:	8785

Title: SCOPE USER INTERFACE FOR DISPLAYING THE PRIORITITES AND
PROPERTIES OF MULTIPLE INFORMATIONAL ITEMS

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

Applicant submits this brief in connection with an appeal of the above-identified patent application. Payment is being submitted via credit card in connection with all fees due regarding this appeal brief. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP248US].

I. Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))

The real party in interest in the present appeal is Microsoft Corporation, the assignee of the present application.

II. Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))

Appellants, appellants' legal representative, and/or the assignee of the present application are not aware of any appeals or interferences which may be related to, will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 2-13, 22-33, 35-43, and 45 have been canceled. Claims 1, 14-21, 34, 44, and 46-50 stand rejected by the Examiner. The rejection of claims 1, 14-21, 34, 44, and 46-50 is being appealed.

IV. Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))

The Examiner has entered the amendments submitted after the Final Office Action. (*See* Communication from Examiner dated October 14, 2008).

V. Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))**A. Independent Claim 1**

Independent claim 1 relates to a notification system that includes a priorities system that prioritizes one or more e-mails according to context (*See e.g.*, text at pg. 5 line 15- pg. 6 line 20); and a user interface that comprises a plurality of colored wedges with one or more objects displayed thereon, the wedges represent one of a user context or a source of the emails, the emails are represented by the one or more objects which are displayed based on respective priority (*See e.g.*, Fig 5 and related text at pg. 14 line 27- pg. 16 line 8), the user interface provides feedback about one or more user actions relating to at least some of the one or more e-mails, the one or more user actions comprising a time of response to the at least some of the one or more e-mails, reading the at least some of the one or more e-mails, deleting the at least some of the one or more e-mails or ignoring the at least some of the one or more e-mails, the priorities

system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback provided by the user interface, about the one or more user actions relating to the one or more e-mails. (*See e.g.*, Fig 2 and related text at pg. 11, lines 1 to pg. 13, lines 26).

B. Independent Claim 34

Independent claim 34 relates to a computer-executable instructions for performing a method to provide prioritized e-mails, the computer-executable instructions stored on one or more computer-readable media (*See e.g.*, Fig 19 and related text at pg. 20 line 12 – pg. 22 line 21), the method comprising, prioritizing one or more e-mails according to context; representing one of a context or a source of the one or more emails in a user interface as a plurality of colored sectors; rendering the one or more e-mails based upon a priority of the one or more e-mails as corresponding objects on the sectors sensing a user's interaction with at least some of the one or more e-mails (*See e.g.*, Fig 5 and related text at pg. 14 line 27- pg. 16 line 8), the user's interaction with the at least some of the one or more e-mails comprising a time of response to the at least some of the one or more e-mails, reading the at least some of the one or more e-mails, deleting the at least some of the one or more e-mails or ignoring the at least some of the one or more e-mails; and adapting a decision relating to assigning a priority to one or more subsequently received e-mails based on the user's interaction with the at least some of the one or more e-mails. (*See e.g.*, Fig 2 and related text at pg. 11, lines 1 to pg. 13, lines 26).

C. Independent Claim 44

Independent claim 44 relates to a notification system, comprising, means for prioritizing at least one e-mail according to context; means for rendering the at least one prioritized e-mail on a display as at least one object located according to its priority on one or more colored wedges that represent one of a domain or source of the email (*See e.g.*, text at pg. 5 line 15- pg. 6 line 20; and Figs. 5-18 and text at pg. 5, lines 15-16 and pg. 3, lines 6-8); means for sensing a user's interaction with the at least one prioritized e-mail, the user's interaction comprising how fast a user responds to the at least one prioritized e-mail, whether the user reads the at least one prioritized e-mail or whether the user deletes or saves the at least one prioritized e-mail (*See e.g.*, Fig 2, element 58 and related text at pg. 3, lines 18-20; pg. 8, lines 15-19; pg. 10, lines 6-19; pg.

11, lines 13 to pg. 12 line 4); and means for altering a decision about a priority of at least one subsequently received e-mail based on the user's interaction with the at least one prioritized e-mail. (*See e.g.*, Fig 2 and related text at pg. 11, lines 1 to pg. 13, lines 26).

The "means for" limitations described above are identified as limitations subject to the provisions of 35 U.S.C. §112 ¶6. The corresponding structures are identified with reference to the specification and drawings in the parentheticals corresponding to those claim limitations.

E. Independent Claim 46

Independent claim 46 relates to a scope user interface, comprising: at least one display object mapped to at least one of a plurality of e-mails prioritized according to context, the object is displayed based on an assigned priority on a portion of at least one display sector, wherein one or more display sectors represent one of contexts or sources of the e-mails (*See e.g.*, Fig 5 and related text at pg. 14 line 27- pg. 16 line 8); and a feedback component to sense a user's interaction with the scope user interface, wherein the scope user interface is configured to modify prioritization decisions about at least some subsequently received e-mails based on the user's interaction with the scope user interface, the user's interaction comprising how fast a user responds to a prioritized e-mail, whether the user reads the prioritized e-mail or whether the user deletes or saves the prioritized e-mail (*See e.g.*, Fig 2 and related text at pg. 11, lines 1 to pg. 13, lines 26).

VI. Grounds of Rejection to be Reviewed (37 C.F.R. §41.37(c)(1)(vi))

A. Whether claims 1, 14, 16-18, 20, 21, 34, 44, and 46-49 are unpatentable under 35 U.S.C. §103(a) over Gross (US 5,555,346), Kelts (US 2001/0030667), Selker (US 6,549,219), and Nielsen (US 6,337,699).

B. Whether claim 15 is unpatentable under 35 U.S.C. §103(a) over Gross (US 5,555,346), Kelts (US 2001/0030667), Selker (US 6,549,219), Nielsen (US 6,337,699), and Knowlton (US 6,057,842).

C. Whether claim 19 is unpatentable under 35 U.S.C. §103(a) over Gross (US 5,555,346), Kelts (US 2001/0030667), Selker (US 6,549,219), Nielsen (US 6,337,699), and Simonoff (US 6,078,322).

D. Whether claim 50 is unpatentable under 35 U.S.C. §103(a) over Gross (US 5,555,346), Kelts (US 2001/0030667), Selker (US 6,549,219), Nielsen (US 6,337,699), and Keller et al. (US 5,767,852).

VII. Argument (37 C.F.R. §41.37(c)(1)(vii))

A. Rejection of Claims 1, 14, 16-18, 20, 21, 34, 44, and 46-49 Under 35 U.S.C. §103(a)

Claims 1, 14, 16-18, 20, 21, 34, 44, and 46-49 stand rejected as obvious under 35 U.S.C. §103(a) over Gross (US 5,555,346), Kelts (US 2001/0030667), Selker (US 6,549,219), and Nielsen (US 6,337,699). Reversal of this rejection is respectfully requested for at least the following reason. Gross, *et al.*, Kelts, Selker and Nielson, alone or in combination, teach or suggest all the features recited in the subject claims.

The claimed subject matter relates to providing an interactive user interface associated with one or more prioritized items that come from various external sources. The priorities are automatically determined by a prioritization system or may be provided by a user. To this end independent claim 1 recites *a user interface that comprises a plurality of colored wedges with one or more objects displayed thereon, the wedges represent one of a user context or a source of the emails, the emails are represented by the one or more objects which are displayed based on an assigned priority, the user interface provides feedback about one or more user actions relating to at least some of the one or more e-mails, the one or more user actions comprising a time of response to the at least some of the one or more e-mails, reading the at least some of the one or more e-mails, deleting the at least some of the one or more e-mails or ignoring the at least some of the one or more e-mails, the priorities system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback received from the user interface about the one or more user actions relating to the e-mails*. Independent claim 34 recites *prioritizing one or more e-mails according to context*;

representing one of a context or a source of the one or more emails in a user interface as a plurality of colored sectors; **rendering the one or more e-mails based upon a priority of the one or more e-mails as corresponding objects on the sectors**; sensing a user's interaction with at least some of the one or more e-mails, the user's interaction with the at least some of the one or more e-mails comprising a time of response to the at least some of the one or more e-mails, reading the at least some of the one or more e-mails, deleting the at least some of the one or more e-mails or ignoring the at least some of the one or more e-mails; and **adapting a decision relating to assigning a priority to one or more subsequently received e-mails based on the user's interaction with the at least some of the one or more e-mails**. Independent claim 44 recites similar features. Independent claim 46 recites **at least one display object mapped to at least one of a plurality of e-mails prioritized according to context, the object is displayed based on an assigned priority on a portion of at least one display sector**, wherein one or more display sectors represent one of contexts or sources of the e-mails; and a feedback component to sense a user's interaction with the scope user interface, wherein **the scope user interface is configured to modify prioritization decisions about at least some subsequently received e-mails based on the user's interaction with the scope user interface**, the user's interaction comprising how fast a user responds to a prioritized e-mail, whether the user reads the prioritized e-mail or whether the user deletes or saves the prioritized e-mail. Gross *et al.*, Kelts, Selker and Nielson, either alone or in combination, fail to teach such claimed features.

Gross, *et al.* relates to an event driven and conditional rule based mail messaging system wherein a rule mechanism having a "When-If-Then" condition is implemented. A feedback from the user interface triggers an event that invokes a rule. Rules are defined by a user to act on emails, such that based on selected information present in an email satisfying a condition, the email is moved to a specific folder. However, Gross *et al.* is silent regarding **the emails are represented by the one or more objects which are displayed based on an assigned priority**. Rather, the emails are moved to assigned folders or sent to assigned recipients based on ascertained information. In contrast, the claimed invention provides for mapping emails to display objects that represent the emails in a display area, the objects are displayed based on an assigned priority. Thus, Gross *et al.* does not disclose the aforementioned features recited by independent claim 1. Independent claim 34 further recites **rendering the one or more e-mails based upon a priority of the one or more e-mails as corresponding objects on the sectors**.

Gross does not disclose such novel features. Moreover, as conceded by the Examiner at page 3 of the Final Office Action, Gross *et al.* does not disclose a priorities system configured to adjust *the prioritization of one or more subsequently received emails* based on the feedback about the one or more user actions relating to the one or more emails. Rather, Gross *et al.* invokes the same rule for a specific event. The Examiner cites Kelts to cure the deficiencies of Gross *et al.*

Kelts relates to retrieving programming information and for generating an interactive navigation interface for displaying such programming information. A navigation interface utilizes a magnification feature along with a hierarchical protocol for the display of active map items and allows a user to make selections. At the cited portions of paragraph 0086, Kelts provides for displaying categories and subcategories in accordance with a suitable prioritization metric based on a user's frequency of selection, or specific preferences entered by a user or service provider. However, Kelts does not disclose the user interface providing feedback about one or more user actions relating to at least some of the one or more e-mails, *the priorities system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback received from the user interface about the one or more user actions relating to the one or more e-mails*. Rather, Kelts discloses prioritizing the order of displaying the one or more currently displayed items in a subsequent instance of map display, based on the feedback provided by the user interface in a prior instance of the map display for the currently displayed items. Thus, Kelts fails to teach or suggest classifying subsequently added stations based on user interaction with currently accessible stations. In contrast, the claimed invention provides for receiving a feedback from the user interface about one or more user actions relating to at least some of the currently received e-mails, and based on the feedback prioritizing the *one or more subsequently received e-mails*. Further at the cited portions of paragraph 0159, Kelts refers to a set-top device for a television that works like a general purpose computer to perform *additional software applications such as email applications*. However, Kelts is silent regarding representing emails as objects in a display element let alone prioritizing e-mails. Thus, the prioritization scheme as taught by Kelts, although responsive to use patterns or programming changes thus facilitates automatic changes of the navigation map, it only teaches applying such changes to existing information within the map and does not teach or suggest applying such changes to new information that is subsequently added to the map. Thus, Kelts is silent regarding *a user interface that provides*

feedback about user actions relating to at least some of the one or more e-mails, the priorities system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback received from the user interface about the one or more user actions relating to the e-mails as recited by independent claim 1.

Selker relates to a graphical user interface that includes multiple pie menus concentrically arranged. The menus are arranged with menu selections of greater importance located within the centre most section. The first pie menu comprises a first group of items and the second menu comprises a second group of items. However, nowhere does Selker disclose *a user interface that comprises a plurality of colored wedges with one or more objects displayed thereon, the wedges represent one of a user context or a source of the emails, the emails are represented by the one or more objects which are displayed based on an assigned priority.* Rather, Selker discloses wedges representing different menu items, and displaying the name of the menu item in the respective wedge. Nowhere does Selker disclose the wedges with one or more objects displayed in the wedges. In contrast, the claimed invention provides for a plurality of wedges with one or more object displayed on them, wherein the objects represent the one or more emails. Thus, Selker is silent regarding *a user interface that comprises a plurality of colored wedges with one or more objects displayed thereon, the wedges represent one of a user context or a source of the emails, the emails are represented by the one or more objects which are displayed based on an assigned priority* as recited by independent claim 1, and also fails to cure the aforementioned deficiencies of Gross *et al.* and Kelts. The Examiner cites Nielson to compensate for the deficiencies of Selker.

Nielson relates to a visual presentation of an icon such that a user can visualize and distinguish icons based on their context and can classify them as to importance. However, Nielson is silent regarding *a user interface that comprises a plurality of colored wedges with one or more objects displayed thereon, the wedges represent one of a user context or a source of the emails, the emails are represented by the one or more objects which are displayed based on an assigned priority* as recited by independent claim 1, and fails to cure the aforementioned deficiencies of Selker. Further, Nielson also fails to cure the aforementioned deficiencies of Gross *et al.* and Kelts with respect to independent claim 1.

Claim 16 recites *the notification system further comprising mapping rules for associating one or more display objects representing the one or more e-mails in a display space.* At the cited

portions, Gross *et al.* discloses Object Lens, a rules editor utilized by a user to define rules that provides templates for semi-structured objects that can be defined and modified by the user to represent information about things, people, tasks, products and mail messages. Selected information from the semi-structured objects such as 'If,' 'Then' can be displayed in table or tree formats, which help the user to see and change objects via the forms or templates. However, Gross *et al.* does not disclose *the notification system further comprising mapping rules for associating one or more display objects representing the one or more e-mails in a display space*. Rather, selected information from the provided semi-structured objects is displayed in a table or tree format to help a user define or modify information in the objects, in the rule defining process. In contrast, the claimed invention provides mapping rules for associating the one or more e-mails with the display objects that represent the e-mails in the display space. The rules direct how respective notifications are associated with a display object and are located on the display. Thus, Gross *et al.* is silent regarding the aforementioned features recited by claim 16. Independent claim 46 recites *at least one display object mapped to at least one of a plurality of e-mails prioritized according to context, the object is displayed based on an assigned priority on a portion of at least one display sector*. Gross *et al.* is silent regarding the aforementioned features recited by claim 46.

In view of at least the foregoing it is clear that the cited documents alone or in combination fail to teach or suggest all aspects recited in the subject claims. Therefore, this rejection should be reversed with respect to independent claims 1, 34, 44, 46 and all claims that depend there from.

B. Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 stands rejected as obvious under 35 U.S.C. §103(a) over Gross (US 5,555,346), Kelts (US 2001/0030667), Selker (US 6,549,219), Nielsen (US 6,337,699), and Knowlton (US 6,057,842). Reversal of this rejection is requested for the following reasons. Claim 15 depends from claim 1 and as explained above, Gross *et al.*, Kelts, Selker and Nielsen, alone or in combination, fail to teach or suggest all of the limitations of claim 1. Knowlton relates to a visual link mechanism for identifying addresses of locations in a plurality of remote systems and does not remedy aforementioned deficiencies of Gross *et al.*, Kelts, Selker and Nielsen. Accordingly, it is requested that this rejection should be reversed.

C. Rejection of Claims 19 Under 35 U.S.C. §103(a)

Claim 19 stands rejected as obvious under 35 U.S.C. §103(a) over Gross (US 5,555,346), Kelts (US 2001/0030667), Selker (US 6,549,219), Nielsen (US 6,337,699), and Simonoff (US 6,078,322). Reversal of this rejection is requested for the following reasons. Claims 19 depends from claim 1 and as explained above, Gross *et al.*, Kelts, Selker and Nielsen, alone or in combination, fail to teach or suggest all of the limitations of claim 1. Simonoff relates to a virtual machine or device that facilitates interoperability between two or more computers but does not remedy the deficiencies of Gross *et al.*, Kelts, Selker and Nielsen. Accordingly, it is requested that this rejection should be reversed.

D. Rejection of Claims 50 Under 35 U.S.C. §103(a)

Claim 50 stands rejected as obvious under 35 U.S.C. §103(a) over Gross (US 5,555,346), Kelts (US 2001/0030667), Selker (US 6,549,219), Nielsen (US 6,337,699), and Keller *et al.* (US 5,767,852). Reversal of this rejection is requested for the following reasons. Claim 50 depends from claim 1 and as explained above, Gross *et al.*, Kelts, Selker and Nielsen, alone or in combination, fail to teach or suggest all of the limitations of claim 1. Keller relates to a graphical user interface allowing users to alter the scheduling priority of one or more running processes represented by icons in the display. Keller teaches locking certain icons in place so that they do not move upon other icons being moved to the vicinity. Hence the position of such icons is procedurally specified by the underlying software as a function of priority and can only be changed by special privileges. Moreover, it requires that values be set for each icon in order to lock it in place. In contrast, the claimed subject matter provides a cover for the icons so that they are held in place by a single locking mechanism and it permits a user to easily reset priorities of the system via selection and drag operation. Such a single locking mechanism for all items is not taught or suggested by Keller. Moreover, Keller does not remedy the deficiencies of Gross *et al.*, Kelts, Selker and Nielsen with respect to independent claim 1 from which claim 50 depends. Accordingly, it is requested that this rejection should be reversed.

E. Conclusion

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 1, 14-21, 34, 44, and 46-50 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP248US].

Respectfully submitted,

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VIII. Claims Appendix (37 C.F.R. §41.37(c)(1)(viii))

1. A notification system, comprising:
 - a priorities system that prioritizes one or more e-mails according to context; and
 - a user interface that comprises a plurality of colored wedges with one or more objects displayed thereon, the wedges represent one of a user context or a source of the emails, the emails are represented by the one or more objects which are displayed based on respective priority, the user interface provides feedback about one or more user actions relating to at least some of the one or more e-mails, the one or more user actions comprising a time of response to the at least some of the one or more e-mails, reading the at least some of the one or more e-mails, deleting the at least some of the one or more e-mails or ignoring the at least some of the one or more e-mails,

the priorities system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback provided by the user interface, about the one or more user actions relating to the one or more e-mails.
- 2-13. (Canceled).
14. The notification system of claim 1, wherein at least one of a shape and a color of the one or more display objects are indications of a priority of the one or more e-mails.
15. The notification system of claim 14, further comprising clustering rules for displaying N number of display objects in a display space, N being an integer, the clustering rules comprising rendering as many of the one or more display objects as can fit in the display space.
16. The notification system of claim 1, further comprising mapping rules for associating one or more display objects representing the one or more e-mails in a display space.
17. The notification system of claim 1, the user interface further configured to provide an indication of change over time associated with the one or more e-mails.

18. The notification system of claim 1, the user interface further configured to render one or more display objects representing the one or more e-mails as brighter, darker, decaying, changing color or becoming more or less transparent to indicate change.
19. The notification system of claim 17, further comprising a fast forward and a replay selection to provide the indication of change over time.
20. The notification system of claim 1, the user interface further configured to provide a summary or an enlargement of the one or more e-mails.
21. The notification system of claim 1, the user interface further configured to provide semantic zooming to enable users to receive various levels of information regarding the one or more e-mails.
- 22-33. (Canceled).
34. Computer-executable instructions for performing a method to provide prioritized e-mails, the computer-executable instructions stored on one or more computer-readable media, the method comprising,
- prioritizing one or more e-mails according to context;
 - representing one of a context or a source of the one or more emails in a user interface as a plurality of colored sectors;
 - rendering the one or more e-mails based upon a priority of the one or more e-mails as corresponding objects on the sectors;
 - sensing a user's interaction with at least some of the one or more e-mails, the user's interaction with the at least some of the one or more e-mails comprising a time of response to the at least some of the one or more e-mails, reading the at least some of the one or more e-mails, deleting the at least some of the one or more e-mails or ignoring the at least some of the one or more e-mails; and
 - adapting a decision relating to assigning a priority to one or more subsequently received e-mails based on the user's interaction with the at least some of the one or more e-mails.

35-43. (Canceled).

44. A notification system, comprising,

means for prioritizing at least one e-mail according to context;

means for rendering the at least one prioritized e-mail on a display as at least one object located according to its priority on one or more colored wedges that represent one of a domain or source of the email;

means for sensing a user's interaction with the at least one prioritized e-mail, the user's interaction comprising how fast a user responds to the at least one prioritized e-mail, whether the user reads the at least one prioritized e-mail or whether the user deletes or saves the at least one prioritized e-mail; and

means for altering a decision about a priority of at least one subsequently received e-mail based on the user's interaction with the at least one prioritized e-mail.

45. (Canceled).

46. A scope user interface, comprising:

at least one display object mapped to at least one of a plurality of e-mails prioritized according to context, the object is displayed based on an assigned priority on a portion of at least one display sector, wherein one or more display sectors represent one of contexts or sources of the e-mails; and

a feedback component to sense a user's interaction with the scope user interface, wherein the scope user interface is configured to modify prioritization decisions about at least some subsequently received e-mails based on the user's interaction with the scope user interface, the user's interaction comprising how fast a user responds to a prioritized e-mail, whether the user reads the prioritized e-mail or whether the user deletes or saves the prioritized e-mail.

47. A signal to transmit the computer-executable instructions for performing the method of claim 34.

48. The user interface of claim 46, the sectors are arranged in a circular pattern.

49. The notification system of claim 1, the wedges are further divided into one of concentric circles, squares, rectangles, or triangles to facilitate delineating the respective priorities of the displayed objects.

50. The notification system of claim 1, the user interface comprises a transparent cover for the wedges and the display objects that mitigates inadvertent setting of priorities by a user such that the user can provide explicit training to the priorities system by removing the cover via a mouse selection and drag operation rearranging the display objects on the wedges and locking the cover in place after the rearrangement.

IX. Evidence Appendix (37 C.F.R. §41.37(c)(1)(ix))

None.

X. Related Proceedings Appendix (37 C.F.R. §41.37(c)(1)(x))

None.